HB 2533-S2.E - DIGEST

(DIGEST AS ENACTED)

Requires a just and reasonable rate to be calculated as follows: (1) One-half of the rate consists of the additional costs of procuring and maintaining pole attachments, but may not exceed the actual capital and operating expenses of the locally regulated utility attributable to that portion of the pole, duct, or conduit used for the pole attachment, including a share of the required support and clearance space, in proportion to the space used for the pole attachment, as compared to all other uses made of the subject facilities and uses that remain available to the owner or owners of the subject facilities; and

(2) One-half of the rate consists of the additional costs of procuring and maintaining pole attachments, but may not exceed the actual capital and operating expenses of the locally regulated utility attributable to the share of the required support and clearance space, divided equally among all attachers, which sum is divided by the height of the pole.

Allows the locally regulated utility to establish a rate according to the calculation outlined in this act or to establish a rate according to the cable formula set forth by the federal communications commission by rule as it existed on the effective date of this act, or such subsequent date as may be provided by the federal communications commission by rule, consistent with the purposes of this act.

Provides, except in extraordinary circumstances, a locally regulated utility must respond to a licensee's application to enter into a new pole attachment contract or renew an existing pole attachment contract within forty-five days of receipt.

Provides, within sixty days of an application being deemed complete, the locally regulated utility shall notify the applicant as to whether the application has been accepted for licensing or rejected. If the application is rejected, the locally regulated utility must provide reasons for the rejection. A request to attach may only be denied on a nondiscriminatory basis: (a) where there is insufficient capacity; or (b) for reasons of safety, reliability, and generally applicable engineering purposes.